

**REMARKS**

Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks. Claims 1-22 remain pending. Claims 1, 5, 6, 7, 8, 10 and 15 are independent.

**ALLOWABLE SUBJECT MATTER**

Applicant appreciates that the Examiner has indicated claims 7-15 and 19-22 are allowable. *See Office Action, item 5.*

**§103 REJECTION – TAKAHASHI, HAMANO**

Claims 1-4 and 16 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Takahashi et al. (U.S. Patent No. 5,671,451) in view of Homano et al. (U.S. Patent No. 5,604,928). *See Office Action, item 2.* Applicant respectfully traverses.

For a §103 rejection to be proper, a prima facie case of obviousness must be established. *See MPEP 2142.* One requirement to establish the prima facie case of obviousness is that there must be a suggestion or motivation within the cited references to modify the references as proposed by the Examiner in the Office Action. *See MPEP 2143.01.* The cited references must be considered in their entirety including disclosures that teach away from the claimed invention.

*See MPEP 2141.02.* If the cited reference or references teach away from the claimed invention, then the combination is improper and the rejection must fail.

In this instance, independent claim 1 recites, in part “a controller stopping elements of the camera from generating noise that interferes with said GPS unit while said GPS unit is obtaining the measurement data to be recorded, the elements generating the noise comprising at least one of said image pickup and said recorder.” The Examiner alleges that Takahashi discloses a GPS unit which is built in the camera and to which electricity is supplied from a common battery with the camera. The Examiner then admits that Takahashi fails to disclose the control means for stopping the elements of the camera from generating noise that interferes with the GPS unit while the GPS unit is obtaining measurement data to be recorded.

It is logical that Takahashi does not disclose the control means to stop elements of the camera from operating while the GPS unit is also operating. Takahashi is directed toward a data recording unit in a camera capable of recording pieces of information together with the photographed image. *See Takahashi, column 1, lines 5-7.* The types of information recorded together with the image include position information data obtained through the GPS receiver and the time information. *See Figures 6a-6d.*

Takahashi discloses three embodiments describing the ways that the camera can be operated. The first embodiment is illustrated in Figures 4 and 5,

the second embodiments are illustrated in Figures 8 and 9, and the third embodiment is illustrated in Figures 12 and 13. In all embodiments, when the camera is initially powered on, the camera performs steps S1 and S2. Takahashi states "when main switch 20 of a camera is turned on (S1), charging for a flash unit and other operations are made in the camera, and the camera will be ready for photographing. On the other hand, CPU 2 starts driving GPS receiver 32 simultaneously (S2)." *Emphasis added; see Takahashi, column 7, lines 16-20; column 8, line 66; column 9, line 3; and column 10, lines 23-27.* In other words, Takahashi discloses turning on both the imaging system as well as the GPS unit so that the camera is ready for photographing.

Because Takahashi specifically teaches simultaneously turning on both the imaging system as well as the GPS system for the purpose of readying the camera for photographing as soon as possible, Takahashi clearly teaches away from the feature of stopping elements of the camera from generating noise that interferes with the GPS unit while the GPS unit is obtaining measurement data to be recorded. Because Takahashi teaches away from the invention as claimed in claim 1, any combination of references that includes Takahashi is improper and the rejection must fail. Therefore, independent claim 1 is distinguishable over the combination of Takahashi and Homano.

The combination of Takahashi and Homano is also improper for the following reason. It is well established that if the proposed modification renders

the cited reference unsatisfactory for its intended purpose, then by definition, there is no suggestion or motivation to make the proposed modification. See *MPEP 2143.01*. In this instance, the Examiner suggests modifying Takahashi with Homano that allegedly teaches a control unit deactivating a computer unit when the transmit-receive unit is performing communication processing in order to avoid being affected by high frequency noise with the system activation of the computer unit. The Applicant does not necessarily agree that Homano teaches such a feature.

However, for the sake of argument, Applicant takes the Examiner's allegation to be true. Furthermore, Applicant assumes that Takahashi can be modified as alleged by the Examiner. When such modification occurs, then it must be that in step S2 of Takahashi's embodiments, the imaging system remains off as the GPS receiver is turned on. When this occurs, the camera is NOT performing operations to be ready for photographing. Clearly, modifying Takahashi with Homano as alleged by the Examiner would render Takahashi unsatisfactory for its intended purpose, i.e. performing operations to be ready for photographing. Thus, Takahashi and Homano cannot be combined as suggested by the Examiner.

In addition, one of ordinary skill would not be motivated to combine Takahashi and Hamano. Takahashi discloses a film-based camera. As such, there are few noises, if any, that would interfere with the GPS unit. Takahashi

discloses a composition that includes a camera section 1, the GPS receiver 2 and the processing section 3 all connected together. *See e.g. Takahashi, Figures 2(a) and 2(b).* Because the GPS unit is not built into the camera, the GPS unit is not influenced by the noises of the camera section 1. Also, the camera section 1 and the data recording apparatus have separate power source preserving circuits 25 and 38. In short, the GPS receiver 2 of Takahashi is not influenced by the noise of the camera section 1. Thus, there is no motivation to apply the technology as disclosed in Hamano to Takahashi, i.e. there is no motivation to combine Takahashi and Hamano.

For at least the above-stated reasons, independent claim 1 and the dependent claims 2-4 and 16 are distinguishable over the combination of Takahashi and Homano. Applicant respectfully request that the rejection of claims 1-4 and 16 based on Takahashi and Homano be withdrawn.

#### § 103 REJECTION – TAKAHASHI, HAMANO, ISHII

Claims 5-6 and 17-18 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Takahashi in view of Homano and further in view of Ishii et al. (U.S. Patent No. 5,410,225). *See Office Action, item 4.* Applicant respectfully traverses.

As demonstrated above, any rejection based on a combination of references that includes Takahashi and Homano cannot stand. As a result, the

rejection of claims 5-6 and 17-18 based on a combination of Takahashi, Homano and Ishii fails. Applicant respectfully requests that the rejection of claims 5-6 and 17-18 based on Takahashi, Homano and Ishii be withdrawn.

### CONCLUSION

All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. Should there be any outstanding matters that need to be resolved, the Examiner is respectfully requested to contact Hyung Sohn (Reg. No. 44,346), to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,  
BIRCH, STEWART, KOLASCH &, BIRCH, LLP

By:   
Michael R. Cammarata, #39,491

  
MRC/HNS

P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000